IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1826 OF 2005

Paras Ramdular Singh ...Petitioner

Versus

The State of Maharashtra ...Respondent

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Mr. A.M. Sarogi, Advocate for Petitioner

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 1ST SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. Rule. By consent, rule is made returnable forthwith.

3. The petitioner is seeking quashing of Criminal Case i.e. C.C. No. 182/P/1996 which is pending before the learned Additional Chief Metropolitan Magistrate, 34th Court, Vikroli, Mumbai. The said case is under Section 332 r.w. 34 of I.P.C.

4. It is the prosecution case that police constable viz. Suhas Adelkar, Buckle No.9467 was on duty from

6.00 p.m. on 29.11.1994. In the night at 00.30 hours when he was proceeding along L.B.S. Road, he saw two cars parked in the middle of the road and they were obstructing the traffic. Hence, he asked the occupants of the cars to move their cars aside. At that time one of these persons started giving him abuses and four of them started scuffling with him. At that time, the complainant i.e. P.S.I. Shri. Sampat Mundhe, arrived at the spot. He saw four persons assaulting the police constable who was in uniform. Hence, he intervened and told those persons he is a police Officer and they should not beat the police constable. At that time one of the said persons held the collar of the shirt of the complainant and started abusing him. The complainant with the help of the other persons caught hold of two out of the four persons. During this incident one of the persons assaulted the complainant on his hand with a sharp object.

5. On perusal of the complaint, prima facie, offence under Section 332 of I.P.C. is clearly made out. Hence, I do not think that this is a fit case for quashing Criminal Case No. 182/P/1996 which is pending before the learned Additional Chief Metropolitan Magistrate, 34th Court, Vikroli, Mumbai. Writ petition is dismissed. Rule discharged.

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